

Appl. No. 10/826,377
In re Takegawa
Reply to Office Action of January 16, 2007

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated January 16, 2007. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1, 6-9 and 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kimble (USP 4,381,690). Claims 2-5, 10-11 and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kimble (USP 4,381,690) in view of Sammons (USP 6,316,706). The applicant respectfully disagrees. However, in order to expedite the prosecution of the present application, claims 1 and 15 has been amended to recite that tip structures are disposed at the terminal end of a support leg of a musical instrument stand. No new matter has been added.

Kimble '690 teaches spurs 26, 30 that "tend to stabilize the stand and prevent it from 'walking' during play." See column 5, lines 1-2 of Kimble '690. Therefore, Kimble '690 is nothing more than the prior art device (see spike bar 51) shown as Figure 1 of the present application. Kimble '690 fails to teach the tip structure for the terminal end of a support leg. To the contrary, Kimble '690 teaches the use of a "cylindrical foot 47" at the end of each support leg 3, 4, 5. See column 5, lines 27-40 of Kimble '690.

Sammons '706 fails teach the deficiencies of Kimble '690. Indeed, Sammons '706 fails to teach any type of unique tip structure for a support leg. The Examiner has instead relied upon Sammons '706 for a type of internal locking mechanism. However, the Examiner fails to explain how Kimble '690 would be modified based on the push-button structure of Sammons '706 to achieve the present invention. Certainly, there is no motivation to make the combination and, significantly, it is not physically possible to modify the structure of Kimble in the manner suggested by the Examiner.

MPEP § 2143.01 requires that there must be some suggestion or motivation, either in the prior art references or in the knowledge generally available to one of ordinary skill in the art, to modify or combine teachings of the prior art. Here, the Examiner fails to prove as to why one having ordinary skill in the art would have found the claimed invention to be obvious in light of the teachings of the prior art. On the contrary, the "microphone module" of Sammons '706 consists of two rotatable bodies 701, 702 and a push-button 721 for dislodging the rod 727 from the hole 728, as shown in Fig. 7b of Sammons '706. Kimble '690 teaches threaded spurs 26, 30 that are adjusted by turned the knob 27, 32. Certainly, the threaded spurs of Kimble '690 cannot be modified using the pivoting locking structure 720 of Sammons '706. Thus, the teachings of Kimble '690 and Sammons '706 cannot be combined in the manner suggested by the Examiner.

Therefore, the rejection of claims 2-5, 10-11 and 14-17 under 35 U.S.C. 103(a) is improper.

Appl. No. 10/826,377


In re Takegawa

Reply to Office Action of January 16, 2007

New claims 18-20 have been added to recite an arrangement where the tip structure including the spike members 30 is disposed on a plurality of support legs. A tip structure assembly is provided on each support leg.

It is respectfully submitted that claims 1-20 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:
Berenato, White & Stavish

By: 
Matthew Stavish
Reg. N° 36,286

6550 Rock Spring Drive
Suite 240
Bethesda, Maryland 20817
Tel. (301) 896-0600
Fax (301) 896-0607